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June 28, 2019

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007
EngelmayerNYSDChambers@nysd.uscourts.gov

Re: *Guy Carpenter & Co., LLC and Marsh & McLennan Cos., Inc. v. Timothy Gardner, Nicholas Durant, and Claude Yoder*, Case No. 19-cv-5062 (PAE)

Dear Judge Engelmayer:

We represent Plaintiffs Guy Carpenter & Company, LLC and Marsh & McLennan Companies, Inc. (“Plaintiffs”) in the above-referenced action. On behalf of Plaintiffs and Defendants, we submit this joint status letter pursuant to the Court’s Order dated June 4, 2019 (ECF No. 18).

As Your Honor will recall, on May 30, 2019, following a hearing held on the same day, the Court entered a temporary restraining order (ECF No. 3) against Defendants Timothy Gardner, Nicholas Durant, and Claude Yoder (“Defendants”) in connection with their restrictive covenant obligations to Plaintiffs. On June 4, 2019, the Court issued an Order (ECF No. 18) granting Defendants’ application, on Plaintiffs’ consent, to adjourn, *sine die*, the preliminary injunction hearing and all related briefing, and to indefinitely extend and keep in place the temporary restraining order, which Defendants had advised Plaintiffs they would “agree to convert ... into a preliminary injunction.” The Court’s Order also directed the parties to file a joint status letter every 30 days, beginning on June 28, 2019, advising the Court of the status of this matter.

The next day, on June 5, 2019, Defendants filed a partial motion to dismiss (ECF Nos. 20-21), seeking dismissal of certain of the claims asserted in Plaintiffs’ Complaint. On June 6, 2019, the Court issued an Order (ECF No. 22) stating that by June 26, 2019, Plaintiffs should either file an amended complaint against the three Defendants (as of right under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure) or an opposition to Defendants’ partial motion to dismiss. That Order also stated that if Plaintiffs do amend, Defendants shall either file an answer, file a new motion to dismiss, or submit a letter stating that they rely on their previously filed motion.

Hon. Paul A. Engelmayer
June 28, 2019
Page 2

Weil, Gotshal & Manges LLP

On June 26, 2019, Plaintiffs chose to file an Amended Complaint (ECF No. 25), as of right, as they uncovered, pursuant to their continuing internal investigation and forensic review of documents and data, additional facts to support their claims against the three Defendants. In addition, Plaintiffs are currently investigating several other issues that have come to light since the May 30, 2019 hearing that would further support Plaintiffs' claims against the three Defendants.

In response to the Amended Complaint, Defendants intend to file a new motion to dismiss on or before July 17, 2019, in accordance with the timing set forth in Rule 3(b) of this Court's Individual Rules and Practices in Civil Cases.

Pursuant to the Court's June 4, 2019 Order, the parties will provide another joint status report in 30 days.

Respectfully submitted,

/s/ Gary D. Friedman

Gary D. Friedman

cc: Defendants' Counsel